

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNIVERSAL CITY STUDIOS, INC., :
Plaintiff, :
- against - : 82 Civ. 4259
NINTENDO CO., LTD. and :
NINTENDO OF AMERICA, INC. :
Defendants. : DEPOSITION
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DEPOSITION UPON ORAL EXAMINATION
OF HIROSHI IMANISEI
TAKEN AT NINTENDO CO., LTD., KYOTO,
JAPAN, ON JANUARY 13TH, 1983,
COMMENCING AT 3:00 P.M. AND
ENDING AT 3:40 P.M., THEREOF.

name with Mr. Todori?

A. I received a request from Mr. Todori to investigate into the matter of trademark as regards the name of DONKEY KONG, whether there already existed the same name and whether we can register with such a name.

Q. Was that with respect of registering the mark in Japan?

A. Yes.

Q. Did you make the contacts with the necessary authority yourself or was that done by lawyers of NINTENDO?

A. I ordered to my subordinate that this should be investigated with the in-company documents and data. Because this kind of thing can be ordinarily investigated only with the in-company data.

Q. After you asked your subordinates to do that, did you receive reports from them on the matter?

A. Yes, there was.

MR. FAIRHURST: Would you, Mr. Kirby, put in front of the witness those three documents? Two bearing the date 5/26 and the other bears the date 5/28. And I would ask to have these identified on the record as FI-1,-2, and-3. I-1 will be 5/28, I-2 will be the FUNNY KONG. And I-3 will be KONG.

(The reporter so marked the documents.)

1 Q. Have you finished looking at those reports, Mr. Imanishi?

2 A. Yes.

3 Q. Are those the documents that you received back
4 from your subordinates after you requested them to
5 look into the registration of the marks in Japan?

6 A. Yes.

7 Q. Can you tell me who gave you the three marks
8 that are referred to in the three documents,
9 DONKEY KONG, FUNNY KONG, and KONG, to inquire
10 as to the registrability of them in Japan? .

11 THE WITNESS: Who marked?

12 MR. FAIRHURST: No, who gave you those names to inquire
13 into?

14 A. Mr. Todorii.

15 Q. When he asked you to do that, did he tell you
16 which one, if any, was the preferred candidate for
17 the game?

18 A. I don't remember exactly. But I think he said
19 DONKEY KONG is good.

20 Q. Did he tell you that it was preferrable from his
21 point of view as to which of those marks he wanted
22 definitely, which was next in line, and which
23 one was last in line?

24 A. I don't remember. He may have said so.

25 Q. You don't remember what his order of preference was?